

CALIFORNIA CRIME LABORATORY REVIEW TASK FORCE

Minutes, April 2, 2008

Department of Justice, 1300 I Street, Sacramento, CA

Members Present: Dane Gillette (Chair) Barry Fisher (Vice Chair), Jennifer Friedman, Greg Matheson, Elizabeth Johnson, Arturo Castro, Dean Gialamas, Robert Jarzen, Sam Lucia, William Thompson, Michael Burt, Steven Nash, Jennifer Mihalovich

Staff Present: Colleen Higgins (DOJ-Notes),

Members of the Public: Gabriel Oberfield (Research Analyst, Innocence Project); Mary Gibbons (Director of Oakland Police Crime Lab); Bill Phillips (DOJ, Manager, Toxicology Laboratory); Eva Steinberger (DOJ, Assistant Chief, DNA Programs); Jill Spriggs (DOJ, Deputy Director, DNA Laboratory, Richmond); Stacy Mason-Vegona; Craig Osborn (OES); Jeff Rozden (Department of Fish and Game); Kevin Davis (CHP)

The meeting was called to order at 10:30 a.m.

Minutes

The minutes of the March meeting, as amended, were approved by motion and vote.

Administrative Issues

The issue of recording the meetings was further discussed. The Task Force has purchased a laptop with a microphone for digital recordings and should be available by the May meeting. Bill Thompson will continue to provide a digital recording of the meeting until the laptop and microphone system is in place. The Task Force website is unable to 'post' the audio/digital recording, but copies will be emailed upon request.

Laboratory Director Survey

The Chair reported on the status of the Survey. The testing cycles are nearly complete and the Survey should be ready for posting on the website next week. A cover letter will be sent to the Laboratory Directors providing instructions on how to access and respond to the Survey online and requesting for a response within 60 days. The laboratories will be requested to provide the most recent ASCLD/LAB reports by pdf or by mail, to a designated address.

A student assistant will extract and tabulate the data as received and provide comprehensive responses to each question, i.e., number of Yes/No answers; narratives; etc. Once most responses have been received, the preliminary results will be made available to the Task Force members at once. It is expected that most responses will be received within 30 – 60 days. The individual laboratory responses will be provided via pdf to all Task Force members. The member responsible for each laboratory should schedule a personal interview

once that laboratory's results have arrived.

To promote consistency, a standard questionnaire for the Laboratory Directors will be discussed at the May meeting. The instrument will become a part of the anecdotal documentation in the final report.

Attorney Survey: Prosecutor and Defender

It was agreed that the statute mandates the Task Force to survey those most often using the crime laboratories, which would include prosecution, defense and law enforcement agencies. The pros and cons of creating additional separate surveys was discussed, including:

- (1) all District Attorneys;
- (2) all prosecuting City Attorneys;
- (3) all Public Defenders;
- (4) all contract Defenders (list from Jennifer Friedman);
- (5) all County Counsel with a crime laboratory;
- (6) all Sheriff's;
- (7) a representative number of Police Departments (won't get 100% response).

Upon further discussion, it was agreed that the Prosecution and Defense surveys could be combined. Draft of combined survey will be prepared by Jennifer Friedman, and to include the name(s), title(s) and designated expertise by those completing the survey or specific portions of the survey. Greg Matheson, Jim McLaughlin, and Jennifer Mihalovich agreed to assist with drafting the law enforcement survey.

Letter to Laboratory Directors: A copy of the Attorney and Law Enforcement Surveys will be sent to the Laboratory Directors to advise them of the information being sought, but clearly identifying that it is an "FYI ONLY." Instructions will be added 'to answer only those questions that apply to your laboratory.' Questions will contain neutral words ('issue' rather than 'problem').

Additional concerns on awareness of Brady policy by prosecution and defense agencies were discussed and should be further explored in the Laboratory Director interviews. EXAMPLES: Are you trained on 'Brady?' What do you understand your obligations to be under 'Brady?' What is your sense as to how the labs understand 'Brady' obligations? To what degree might the California State University system provide comprehensive curricula and training on this and other critical crime laboratory issues?

New Business

- The May meeting will be held at the Los Angeles Sheriff's Crime Laboratory, CSULA Campus and information will be posted accordingly on the website. We expect to finalize the Attorney and Law Enforcement Surveys at the May meeting.
- Three topics: (1) Speaker Frank Dolejsi regarding Laboratory Oversight

Commission and Gabriel Oberfield regarding the Innocence Project; (2) Oversight by and role of CSU/UC systems regarding improved training and curricula; and (3) Concerns regarding the USDOJ Coverdell reporting requirements.

Speaker:

Frank Dolejsi, Director, Minnesota Bureau of Criminal Apprehension Forensic Science Laboratory presented an overview of the ASCLD/LAB new ISO standards and process, including his insights as Commission of the Minnesota Oversight Commission. Among other issues, he clarified that the confidentiality of ASCLD/LAB audits is entirely a matter for the individual labs and not a policy of the organization.

Public Attendee Commentary

Gabriel Oberfield J.D., M.S.J. (Research Analyst, Innocence Project) circulated a letter dated April 2, 2008 addressing the organization's concerns regarding external and independent crime laboratory oversight. The letter will be posted on the Task Force website.

Mary Gibbons and Bill Phillips responded to issues raised during Mr. Dolejsi's presentation.

CLOSING ISSUES:

May Meeting: No speaker.

Attorney/Law Enforcement Surveys: The surveys will be discussed and finalized at the May meeting.

June Speaker - Barry Scheck. Task Force members were invited to submit questions of the speaker ahead of time directly to Jennifer Friedman.

Innocence Project: The Task Force expressed its gratitude to Gabriel Oberfield for attending the meeting and providing a copy of his letter of 4-2-2008, which was disseminated and will be posted on the Task Force website.

Laboratory Survey: It is anticipated that the survey will be tested and ready for posting on the Task Force website next week. The cover letter is also expected to be mailed next week.

New Agenda Items: The members were reminded to submit any new agenda items directly to Dane Gillette or Colleen Higgins in advance of the next meeting(s).

The meeting was adjourned at 3:30.